

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

LEVOYER WILSON,

Plaintiff,

V.

NHB INDUSTRIES, INC.,

Defendant.

CIVIL ACTION NO.

CV-03-BE-2284-E

DECLARATION OF HEATHER LEONARD

COMES NOW Heather Leonard, who first duly acknowledges that she is declaring under penalty of perjury, deposes and states as follows:

1. My name is Heather Leonard. I am an attorney practicing in Birmingham, Alabama. I am the sole attorney of record for plaintiff Levoyer Wilson in this case. I make this declaration in support of my Motion for an Award of Attorney's Fees.
2. The fee itemization which is submitted in connection with this fee application consists of true and accurate records which I kept contemporaneously with the work expended.
3. Based on my experience in the area of employment law in both the trial and appellate courts, the amount of time expended by me was

reasonable. I have avoided seeking payment for undue duplication of time or effort. I have avoided seeking reimbursement for time spent researching and preparing responses to the defendant's post-trial motions because this Court ruled on those motions prior to me filing any responsive pleadings. I seek reimbursement for 154.95 hours of attorney time and 13.70 hours of paralegal time through February 13, 2006.

4. The applicable current rate for my legal services appropriate to the local market as of the date of this Application is \$225 per hour.
5. The qualifications of the undersigned are as follows:
 - a. Counsel for the plaintiff graduated from the University of Alabama School of Law in 1998, and was admitted to the Alabama State Bar in 1998.
 - b. Counsel for the plaintiff practices not only in state court, but also before the United States District Court for the Northern District of Alabama, United States District Court for the Middle District of Alabama, United States District Court for the Southern District of Alabama, and the United States Court of Appeals for the Eleventh Circuit.

- c. Since 1998, counsel for the plaintiff has focused her practice of law on the area of civil rights litigation. She currently represents both plaintiff's and defendants in employment related cases. Counsel for the plaintiff has tried numerous jury trial cases before the United States District Court for the Northern District of Alabama since 1998, and has argued five (5) appellate cases before the United States Court of Appeals for the Eleventh Circuit, two (2) of which were published, one (1) of which resulted in a reversal.
- d. Counsel for the plaintiff authored the following articles:
 - i. *The Family and Medical Leave Act - Does it Apply to Job Applicants?*; Birmingham Bar Association Bulletin, Winter 2000
 - ii. *Military Leave: an Employer's Basic Obligations*; Birmingham Bar Association Bulletin, Spring 2003;
 - iii. *Proceed with Caution: Hiring of Legal Support Staff - An Analysis of Opinion of the General Counsel, Opinion No. 02-01*; Birmingham Bar Association Bulletin, Fall 2002;
 - iv. *Can An Employer Be Held Liable Under The Federal Anti-Discrimination Laws For Failure To Provide Health*

Insurance Coverage For Assisted Reproductive Technology?;

Birmingham Bar Association Bulletin, Fall 2001

- e. In addition to serving as adjunct faculty at the University of Alabama at Birmingham in 2002 and 2003 (teaching trial advocacy, mediation, and mock trial), counsel for the plaintiff has taught, or is scheduled to teach, at the following legal seminars:
 - i. *Family and Medical Leave Act in Alabama* - Lorman Education Services; Birmingham, AL (April 6, 2006)
 - ii. *Fundamentals of Employment Law* - Sterling Education Services, LLC; Birmingham, AL (May 16, 2006)
 - iii. *Prevent Human Resources Claims* - National Business Institute; Birmingham, AL (January 2006)
 - iv. *Practical Applications of Employment Law in Alabama* - Sterling Education Services, LLC; Birmingham, AL (February 2004)
 - v. *Common Misconceptions in Human Resource Law* - Lorman Education Services; Birmingham, AL (May 2005)
 - vi. *Personnel Law Update* - Council (sponsored by Constangy Brooks & Smith, LLC); Birmingham, AL (April 2005)
 - vii. *Fundamental Issues in Alabama Human Resources Law* -

National Business Institute; Birmingham, AL (November 2004)

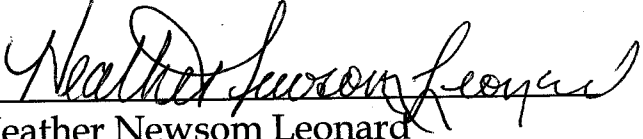
- viii. *Alabama Wage and Hour Regulations and Recent Developments*
- National Business Institute; Birmingham, AL (December 2004)
- ix. *Ethics Seminar: Strategy for Success - Rules Governing Communications with a Person Represented by Counsel* - ABICLE; Tuscaloosa, AL (October 2004)
- x. *Legal Ethics in Alabama* - Lorman Education Services; Birmingham, AL (January 2005)
- xi. *CLE By the Hour - The Ethical Implications of Contacting Employees of an Opposing Party* - Cumberland School of Law Continuing Legal Education; Birmingham, AL (December 2001; December 2002)
- xii. *Internet Strategies for the Paralegal in Alabama* - National Business Institute; Birmingham, AL (February 2003)
- xiii. *Litigation Skills for Legal Staff in Alabama* - Lorman Education Services; Birmingham, AL (January 2005; April 2005; February 23, 2006)

xiv. *Select Topics for Legal Staff in Alabama* - Lorman Education Services; Birmingham, AL (April 20, 2006).

6. The services required and provided in the current case included, in my opinion, the following: (1) organization and efficiency in the marshaling of facts, evidence and theories of liability so that false starts or wasted efforts were minimized; (2) a thorough comprehension of the substantive and procedural law and policy arguments; (3) case assessment which weeds out unproductive theories and claims, and which concentrates energies on the points which are most likely to prevail; and (4) experience in presenting evidence and theories to the Court. Based on my knowledge of the local market for legal services, these characteristics command the requested hourly for the current case.

FURTHER DECLARANT SAYETH NOT.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this, the 13th of February, 2006.


Heather Newsom Leonard
Bar ID: ASB-1152-O61H
COUNSEL FOR PLAINTIFF

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